

Attorney Docket No.: 3660P011

Patent

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re utility Patent Application for:)
Ethan Y. Ephrati, et al.)
Application No.: 09/426,410)
Filed: October 25, 1999)
For: ELECTRONIC MULTILATERAL)
NEGOIATION SYSTEM)

)
Examiner: Laneau, Ronald
Art Group: 3627

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GROUP 3600

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

PETITION PURSUANT TO MPEP § 711.03(C) TO WITHDRAW HOLDING OF
ABANDONMENT BASED ON FAILURE TO RECEIVE OFFICE COMMUNICATION

Sir:

Applicants hereby petition for withdrawal of abandonment of the above-referenced patent application. The mailing date of the Notice of Abandonment is September 21, 2004. Pursuant to 37 C.F.R. § 1.181(f), this Petition is timely filed within two months of the mailing date of the Notice of Abandonment.

EXPRESS MAIL STATEMENT

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Date of Deposit: **October 27, 2004**

I hereby state that I am causing this paper or fee to be deposited with the United States Postal Service "Express Mail Post Office to Addressee" service on the date indicated above and that this paper or fee has been addressed to the Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Christopher P. Marshall

Christopher P. Marshall

10/27/2004

(Typed or printed name of person mailing paper or fee)

(Signature of person mailing paper or fee)

(Date Signed)

Applicants respectfully submit that the failure to timely respond to the Office Communication of February 4, 2004 within the statutory period was the result of the applicants and their attorneys not receiving the Office Communication, which was a Notice of Non-Compliant Amendment. Attached is 1) a Declaration of Lester J. Vincent in support of this Petition to Withdraw Holding of Abandonment Based On Failure To Receive Office Communication, and 2) a copy of the docket records, wherein the Office Communication of February 4, 2004 would have been entered had it been received and docketed.

Applicants respectfully request that the holding of abandonment be withdrawn.

Applicants respectfully request that the Office Communication of February 4, 2004 be remailed.

To expedite prosecution, applicants have enclosed a Response to Notice of Non-Compliant Amendment Under 37 C.F.R. § 1.121 in response to the Office Communication of February 4, 2004, which was a Notice of Non-Compliant Amendment.

Alternatively, applicants hereby petition under 37 C.F.R. § 1.137(a) that the application be revived given that the delay was unavoidable. Applicants respectfully submit that the entire delay in filing the required reply was unavoidable given that applicants did not receive a copy of the Office Communication of February 4, 2004 until having a photocopy made from the PTO prosecution history after receipt of the Notice of Abandonment.

Please charge our Deposit Account No. 02-2666 for any fees.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: October 27, 2004

By Lester J. Vincent
Lester J. Vincent
Reg. No. 31,460

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, California 90025
(408) 720-8300